

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS,

Defendant.

In the matter of the Application of
YOUTUBE, LLC f/k/a YOUTUBE, INC.,
Applicant,
for the Determination of Reasonable License Fees.

Civil Action No. 41-1395 (WCC)

AMENDED SCHEDULING ORDER

The Scheduling Order dated May 30, 2008 is hereby amended to provide for the following pretrial and trial schedule in accordance with Section IX of the Second Amended Final Judgment (“AFJ2”) entered herein:

INTERIM FEE DETERMINATION

1. ASCAP having filed its proposal for interim license fees; YouTube, LLC f/k/a YouTube, Inc. (“YouTube”) shall file its response to ASCAP’s proposal for interim license fees and any supporting affidavits by **March 6, 2009**; and ASCAP shall file its reply to YouTube’s response and any supporting affidavits by **March 13, 2009**.

2. In accordance with AFJ2 § IX(F), the Court will fix interim license fees for YouTube on or before March 15, 2009.

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FINAL FEE DETERMINATION

3. YouTube shall respond, and complete its production of all documents and information responsive, to ASCAP's First Request to YouTube for Production of Documents and ASCAP's First Set of Interrogatories to YouTube by **March 27, 2009**.

4. Provided that YouTube has, by March 27, 2009, furnished the information that ASCAP reasonably requires to quote a license fee, ASCAP will serve its written final fee proposal by **May 1, 2009**.

5. Provided that ASCAP has, by May 1, 2009, served its written final fee proposal, YouTube will serve a written response to ASCAP's final fee proposal, together with any fee counterproposal, by **May 15, 2009**.

6. Fact discovery will be completed by **July 2, 2009**.

7. The parties shall exchange initial expert disclosures and reports in accordance with Federal Rule of Civil Procedure 26(a)(2), and preliminary witness lists in accordance with Federal Rule of Civil Procedure 26(a)(3), by **July 31, 2009**.

8. Initial expert discovery will be completed by **August 28, 2009**.

9. The parties will exchange rebuttal expert disclosures and reports, if any, by **September 25, 2009**.

10. Rebuttal expert discovery, and depositions of fact witnesses identified in preliminary witness lists but not previously deposed, will be completed by **October 16, 2009**.

11. On or before **November 13, 2009**, the parties will file and serve the Joint Pretrial Order and the parties' Proposed Findings of Fact and Conclusions of Law. The Joint Pretrial Order shall include:

- a. stipulated facts;
- b. a list of witnesses each party intends to call at trial;

c. a list of exhibits that the parties stipulate to admissibility at trial;
d. a list of exhibits for which there are unresolved objections; and
e. deposition transcript designations and a summary of relevant portions of the deposition transcripts being designated.

12. The Court will hold a Pretrial Conference on February 27, 2009 at 10:00 a.m./p.m.

13. The parties shall have this matter ready for trial on **November 30, 2009**.

14. Trial will commence on November 30, 2009.

SO ORDERED.

Dated: White Plains, New York
February __, 2009

John J. Gleeson
Senior United States District Judge